

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

Case No. 19-cv-05514-BHS

EVAN BROWN, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

PAPA MURPHY'S HOLDINGS, INC. and
WELDON SPANGLER,

Defendants.

REPLY BRIEF IN FURTHER SUPPORT OF
LEAD PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF SETTLEMENT,
ATTORNEYS' FEES AND EXPENSES
AND SERVICE AWARD

NOTE ON MOTION CALENDAR:
May 2, 2022, at 11:00 a.m.

REPLY BRIEF IN FURTHER SUPPORT OF LEAD
PLAINTIFF'S MOTION FOR FINAL APPROVAL
OF SETTLEMENT, ATTORNEYS' FEES AND
EXPENSES AND SERVICE AWARD
Case No. 19-cv-5514-BHS

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1 Lead Plaintiff Evan Brown respectfully submits this Reply in further support of his
2 Motion for Final Approval of Settlement, Attorneys' Fees and Expenses and Service Award.

3 Pursuant to the Preliminary Approval Order¹, the deadline for any Settlement Class
4 Member to file an objection or request to exclude themselves from the Settlement Class passed
5 on April 6, 2022. ECF No. 75. No Settlement Class Members have objected, and there was only
6 one request for exclusion. *See* Declaration of Tina Chiango, Ex. D filed concurrently herewith.

7 The complete lack of objections and the single opt-out received by settlement class
8 members "weighs strongly in favor of final approval." *Rinky Dink, Inc. v. Elec. Merch. Sys.*, 2016
9 U.S. Dist. LEXIS 72915, at *8 (W.D. Wash. Apr. 19, 2016) (approving a settlement where none
10 of the class members objected or opted-out of the settlement); *Clemans v. New Werner Co.*, 2013
11 U.S. Dist. LEXIS 167454, at *15-16 (W.D. Wash. Nov. 22, 2013) (approving a settlement where
12 there was only one objection and only four class members opted out of the settlement); *Pelletz v.*
13 *Weyerhaeuser Co.*, 255 F.R.D. 537, 543-44 (W.D. Wash. 2009) (holding that final approval of
14 the settlement is supported by the fact that of the "estimated 110,000 to 140,000 Class members,
15 only 119 opted out and only three (3) objected."); *Hughes v. Microsoft Corp.*, 2001 U.S. Dist.
16 LEXIS 5976, at *24 (W.D. Wash. Mar. 21, 2001) (approving a settlement where "less than 1%
17 of the class opted out and only nine objections were submitted.").

18 Given that there have been no objections and only one request for exclusion by the
19 deadline, this Court's final approval of the Settlement, the Plan of Allocation, the Fee and
20 Expense Award, and the Service Award is warranted.

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25 ¹ All capitalized terms not defined herein have the same meanings as set forth in Lead Plaintiff's
26 Motion for Final Approval of Settlement and/or Lead Plaintiff's Motion for Attorneys' Fees and
Expenses and Service Award.

1 Dated: April 20, 2022

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21 *Settlement Class*

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